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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Aygen SITKE

2005 JUL 22 PM 2:32

Serial No.: 10/532,348

US PATENT & TRADEMARK  
OFFICE

Filed: April 22, 2005

For: METHOD FOR DETERMINING THE GASTRIC EMPTYING

**TRANSMITTAL OF SMALL ENTITY  
DECLARATION AND REQUEST FOR REFUND**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: REFUND SECTION, ACCOUNTING  
DIVISION, OFFICE OF FINANCE

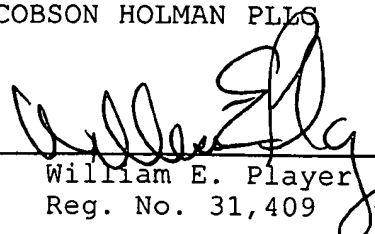
Sir:

Submitted herewith is a Small Entity Declaration, establishing small entity status for the captioned application. In view of Manual of Patent Examining Procedure (MPEP) 509.03, refund of the excess fee paid on April 22, 2005, is respectfully requested. Please credit a refund in the amount of \$565.00 to undersigned Counsel's Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

  
William E. Player  
Reg. No. 31,409

400 Seventh Street, N.W.

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09/28/2005 RWHITE1 00000014 10532348  
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01 FC:2631 150.00 OP  
02 FC:2632 250.00 OP  
03 FC:2633 500.00 OP  
04 FC:2634 55.00 OP  
Date: July 20, 2005  
WEP/cmf

Adjustment date: 09/28/2005 RWHITE1  
04/28/2005 GFREY1 00000027 10532348  
01 FC:1631 -300.00 OP  
02 FC:1632 -500.00 OP  
03 FC:1633 -200.00 OP  
04 FC:1617 -130.00 OP



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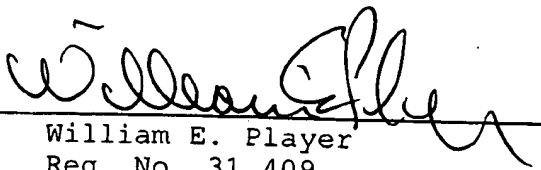
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01 FC:1631 -300.00 OP  
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03 FC:1633 -200.00 OP  
04 FC:1617 -130.00 OP

PATENT MAINTENANCE  
DATE

Attny's Docket No

**SMALL ENTITY DECLARATION**  
[37 CFR 1.27(a)(1)-(3)]

2005 JUL 22 PM 2: 32

**Each undersigned declares that:**

- (1) ☐ the application attached hereto.
- (2) ☒ U.S. Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_
- (3) ☐ U.S. Patent No. \_\_\_\_\_, issued \_\_\_\_\_

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OFFICE

is entitled to the benefits of "small entity" status for paying reduced fees under 35 U.S.C. 41(a) and (b) to the Patent and Trademark Office by virtue of the following:

(4) ☐ Each undersigned declares that he/she qualifies as an independent inventor, or would qualify had he/she made the invention, as defined in 37 CFR 1.27(a)(1).

(5) ☒ The undersigned declares that he/she is an official empowered to act on behalf of the concern identified below, that this concern qualifies as a small business concern as defined in 37 CFR 1.27(a)(2); that exclusive rights to the invention have been conveyed to and remain with the small business concern, or if the rights are not exclusive, that all other rights belong to small entities as defined in 37 CFR 1.27(a).

(6) ☐ The undersigned declares that he/she is an official empowered to act on behalf of the organization identified below, that this organization qualifies as a nonprofit organization as defined in

- (a) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(A)  
 (b) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(B)  
 (c) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(C) State law of \_\_\_\_\_  
 (d) ☐ 37 CFR 1.27(a)(3)(i) and (ii)(D); and

that exclusive rights to the invention have been conveyed to and remain with the organization, or if the rights are not exclusive, that all other rights belong to organizations as defined in 37 CFR 1.27(a).

(7) Each person, concern or organization to which I/we have assigned, granted, conveyed or licensed, or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

(a) ☐ no such person, concern or organization

(b) ☐ persons, concerns or organizations listed below  
[a separate declaration is required from each named person, concern or organization having rights to this invention averring to their status as "small entities."]

**Full Name** \_\_\_\_\_

Address \_\_\_\_\_

- ☐ Individual                      ☐ Small Business Concern                      ☐ Nonprofit Organization

I/we acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement of small entity prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I/we hereby declare that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

(8) \_\_\_\_\_  
 Typed Name of Inventor                      Signature                      Date

Typed Name of Inventor      Signature      Date

Typed Name of Inventor                      Signature                      Date

Typed Name of Inventor      Signature      Date and Ref:

(9) ~~Infai Institut für biomedizinische Analytik und NMR-Imaging GmbH~~

Name of Small Business Concern or Nonprofit Organization

SITKE, AYGEN

By [Signature]  
Signature

Ordie @ Sund @ Sund Total: \$565.00  
Date

PRESIDENT

**Title of Signatory**

Am Exp.: XXXXXXXXXXXXXXX1000